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FLOOR DEBATE

March 6, 2002      LB 82  
                         LR 300

SPEAKER KRISTENSEN: One minute.

SENATOR BEUTLER: And that's my perspective on the matter. You can make it broad and start requiring the courts to do more and more and more in terms of advising defendants of their rights, but that just clutters our system. The judiciary department, we're adding more judges every year even though we have the same population, and if it were necessary for purposes of justice, it should be done. But in this instance it seems to me if you apply this law to those who have attorneys, and by the way all of them that are accused of any higher crime, a felony or any, I think, any...any misdemeanor that requires a year in prison or more, all of those are required under the law to have attorneys, whether they can afford them or not. So we have these people protected by attorneys, by and large, and for those who might see fit to proceed without an attorney,...

SPEAKER KRISTENSEN: Time.

SENATOR BEUTLER: ...perhaps on lesser offenses, you protect them with this law which would protect them even with my amendment.

SPEAKER KRISTENSEN: While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR 298 (sic) and LR 300. Senator Bourne.

SENATOR BOURNE: Thank you, Mr. President. Members, again I rise in opposition to the Beutler amendment. And I just want to clarify where we're at. In Sections 13 and 14 of AM7149, which is in a sense the bill, there's a...a five-sentence phrase that the court must read to a defendant indicating that if they plead no contest or guilty to this crime that they could be...the consequences could be deportation. Senator Beutler's concern, and I...and again if I can just boil this down, I think what his concerns are is that...or when an individual hires an attorney they should be able to rely on that attorney...on that attorney to know what the implications of no contest or a guilty verdict should be. And he's absolutely right, they should. And if they advise their client to be...to plead no contest to a crime, and